



Local 1000, AFSCME, AFL-CIO

## Grievance Form

Name: MIKE FORENZA  
TORI MALONE

Date of Hire: \_\_\_\_\_

10-digit CSEA ID # \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone #: \_\_\_\_\_

Department or Agency: TOWN OF CLARKSTOWN (HIGHWAY DEPT.)

Job Title: MOTOR EQUIPMENT OPERATOR I

Name of Supervisor: WAYNE BALLARD

### STEP 1

Contract Article violated or involved: ARTICLES XVII, XIV, XVI, XVIII, XXIV, G

Date of occurrence: JAN. 28, 2013 - JUN. 2014

STATEMENT OF FACTS (include names, dates, what happened):

ON JAN. 28, 2013 A  
PROMOTIONAL POSTING WAS OFFERED BY THE SUPT. OF  
HWY. FOR THE FILLING OF NUMEROUS POSITIONS IN  
THE TITLE OF MOTOR EQUIPMENT OPERATOR II.  
IT HAS BEEN DISCOVERED THAT SEVERAL PROMOTED  
EMPLOYEES DID NOT MEET THE NECESSARY PROMOTIONAL  
REQUIREMENTS AS STATED IN THE JAN 28, 2013  
POSTING (SEE RC/OP MOTOR EQUIPMENT OPERATOR II  
[ UNDER PROMOTION.]

THIS IS A CONTRACT VIOLATION UNDER THE  
ARTICLES STATED ABOVE.

ELIGIBLE

Remedy sought:

ALL EMPLOYEES WHO PASSED THE JAN. 28 2013  
PROMOTIONAL POSTED WRITTEN AND PRACTICAL EXAM.  
THEY ARE TO BE MADE PERMANENT MOTOR EQUIPMENT OPERATOR II'S  
ON THE SAME DATE AS THE FIRST SELECTED EMPLOYEE ON

Date submitted: 6/12/14

Grievant's Signature: [Signature]

THAT  
LIST.

# 1<sup>st</sup> STEP DECISION

Date: 7/1/14

Supervisor's Signature: [Signature]

Rejected: ✓

Sustained: \_\_\_\_\_

DECISION (use additional sheets if necessary): not within my purview

Date Decision received by Grievant: 7-1-14

Grievant's Signature: [Signature]

The above decision is satisfactory. No

I wish to appeal the above decision. (YES OR NO) Yes

## STEP 2

**RECEIVED**

JUL 01 2014

DETERMINATION ATTACHED WTS

Date Decision issued: ~~July 3, 2014~~

Reviewer's Signature: \_\_\_\_\_

**TOWN OF CLARKSTOWN  
HIGHWAY DEPT.**

The above decision is satisfactory. \_\_\_\_\_

I wish to appeal the decision. (YES OR NO) \_\_\_\_\_

Date: \_\_\_\_\_

Grievant's Signature: \_\_\_\_\_

## STEP 3

DETERMINATION ATTACHED which is DENIED

Date Decision issued: July 3, 2014

Reviewer's Signature: Wayne Ballard

The above decision is satisfactory. No

I wish to appeal the decision. (YES OR NO) Yes

Date: 7/3/14

Grievant's Signature: [Signature]

### COPIES TO:

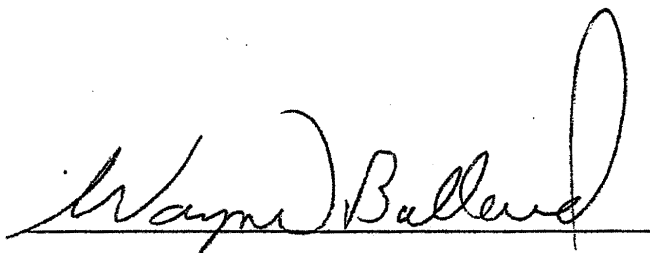
1. Original to Employer
2. Employee
3. Unit President
4. Local President
5. Labor Relations Specialist

Date: July 3, 2014  
To: Mike Forenza & Tori Malone  
Determination: Denied

Third Stage Denial of Grievance Dated June 22, 2014.

For the following reasons set forth below the grievance is denied at the Third Stage. Fourth Stage arbitration is not available because the grievance is not cognizable under the grievance procedure of the collective bargaining agreement (the "CBA").

- 1) The grievants are barred from bringing this grievance because they have failed to file it within a reasonable period of time as required by Appendix "G" of the CBA.
- 2) The grievance is defective due to the failure to set forth sufficient facts to properly allege a violation of the CBA.
- 3) The grievance is not cognizable under the grievance procedure of the CBA because it is an excluded matter which is only reviewable in accordance with administrative review process established by the Rules of the Rockland County Civil Service Commission and, therefore, this grievance is fatally defective.
- 4) The grievance is defective due to the failure to utilize the proper review set forth in the Rockland County Civil Service Rules.

A handwritten signature in black ink, reading "Wayne T. Ballard", is written over a horizontal line.

Wayne T. Ballard, P.E., C.S.P.  
Superintendent of Highways